

REMARKS

The claims have been amended to more precisely define the invention by limiting the application to only the elected species of leaf springs, without the addition of new matter.

In the office action, the claims were rejected under 35USC 102(b) as being anticipated by Sawyer (US patent#1,694,868) or Pfleger (1964506)

Since the claims as herein amended apply only to leaf springs that are not in the cited references, a 102 rejection is no longer applicable. The federal circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury corp. v. Litton Indus. Products, 756 F .2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs., 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

In the office action, the claims were rejected for new grounds of rejection under 35USC 103(a) over Sawyer US (1,694,868) or Pflleger (1964506) in view of Bollinger(4,372,180). It is believed reference to Cook was a typo, meant to be Pleger.

It is respectfully submitted that the application is improperly rejected for want of a prima facie showing of obviousness.

It is respectfully submitted that the invention as herein claimed is unobvious over the prior art for the following reasons:

The scope and content of the prior art:

Examiner states that "Bollinger teaches providing a leaf spring (26) for damping vibration wherein the leaf spring has a first end attached to the platform and a second end slidingly engaging the base." This is not the case. Spring 26 does not damp vibration. It prevents a switch shaft 12 attached to reduction gear 24 from overrunning when power to the switch motor 22 is cut off. The gearmotor assembly 22/24 is not attached to any platform. The opposite is true. It is free to rotate, as shown in the figures, when the shaft is stopped. This takes up the coasting of the gearmotor due to its inertia. Applicants' claims are to a platform adapted for attaching a motor thereto. Bollinger teaches an unattached motor with a spring unconnected to any such platform. Bollinger teaches a second end of spring 26 attached to a bracket 32 unrelated to any motor platform.

Furthermore, his teachings are unrelated to the art of belt tensioning so it may not properly be combined. Applicants' belt pulls the motor in one direction, and their spring pulls the motor in the opposite direction, resisting the belt's pull.

Since the prior art combination lacks elements of the claims, are opposite teaching, and do not function as intended, it is therefor unobvious. In re Clinton, 527 F. 2d, 188 USPQ365 (CCPA 1976)

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 947 F.2d 488, USPQ 2d 1438 (Fed.Cir. 1991).

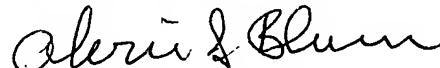
If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The showing of suggestion to combine must be clear and particular. Examiner has made no such showing. In re Dembicza, 175 F.3d 994, 50 USPQ 2d. 1614 (Fed. Cir.1999).

In view of the foregoing, it is urged that the Examiner withdraw the rejections and allow the claims. If there are any comments, questions or suggestions to be made, the Examiner is respectfully invited to telephone the applicant's representative at the telephone number given below for prompt disposition of any still outstanding matters.

Reconsideration is respectfully requested.

Respectfully submitted,



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